

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

SOFIA 42 RESTAURANT CORP.
d/b/a SOFIA ITALIAN GRILL,

Chapter 11
Case No. 15-11587 (SMB)

Debtor.

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**CONSENT ORDER CONCERNING MATTERS HAVING
COME ON TO BE HEARD ON NOVEMBER 10, 2015**

Whereas the following matters came on to be heard by the Court on November 10, 2015 regarding the above-captioned chapter 11 proceeding: (1) the motion of Sofia 42 Restaurant Corp. d/b/a Sofia Italian Grill, the debtor and debtor-in-possession herein (the “Debtor”), filed on October 15, 2015, seeking entry of an Order pursuant to §§105(a) and 365(d)(4) of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2002, 9006 and 9013 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 6006-1, extending the Debtor’s time in which to assume or reject the a certain non-residential real property lease for an additional 90 days (Doc. #38) (the “Lease Extension Motion”); (2) the motion of Elo Realty Corporation (“Elo Realty”), filed on October 21, 2015, seeking entry of an Order: (a) pursuant to §1112(b) of the Bankruptcy Code, converting the Debtor’s chapter 11 case to a case under chapter 7; or alternatively (b) pursuant to §1104 of the Bankruptcy Code, directing the appointment of a chapter 11 trustee (Doc. #40) (the “Conversion Motion”); and (3) the Debtor’s motion, filed on October 29, 2015, seeking entry of an Order reinstating the automatic stay so as to prevent Elo Realty from enforcing its rights and remedies with regard to certain non-residential real property occupied by the Debtor (Doc. #43) (the “Stay Reinstatement

Motion"); and upon the record of the November 10, 2015 hearing at which the Court, among other things, directed that an evidentiary hearing be held in connection with the Conversion Motion prior to any further consideration or determination by the Court concerning the relief sought by way of the Conversion Motion, the Lease Extension Motion and/or the Stay Reinstatement Motion; and upon all of the pleadings and proceedings heretofore had before this Court; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED, that the Conversion Motion is adjourned to November 23, 2015 at 10:00 a.m. at which time an evidentiary hearing regarding the Conversion Motion shall commence and shall continue day-to-day thereafter until concluded; and it is further

ORDERED, that on or before November 18, 2015, the Debtor and Elo Realty shall exchange witness lists and exhibits to be relied upon at the evidentiary hearing regarding the Conversion Motion; and it is further

ORDERED, that the Lease Extension Motion is adjourned to November 23, 2015 at 10:00 a.m. for holding purposes and that the Debtor's time in which to assume or reject the non-residential lease that is the subject of the Lease Extension Motion is hereby extended through and including November 23, 2015, subject to any further extension which the Court may deem appropriate; and it is further

ORDERED, that the Stay Reinstatement Motion is adjourned to November 23, 2015 at 10:00 a.m. for holding purposes and that the automatic stay concerning Elo Realty's rights and remedies with regard to the non-residential real property occupied by the Debtor is reinstated through and including November 23, 2015, subject to any further extension which the Court may deem appropriate.

Dated: New York, New York
November 13th, 2015

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

ENTRY OF THE ABOVE ORDER
IS CONSENTED TO:

For Sofia 42 Restaurant Corp.:
MUNDACA ARTESE LLP

By: /s/ Francisco E. Mundaca
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For Elo Realty Corporation:
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